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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/184,878 11/03/98 OHNISHI

M 981331

EXAMINER

MM91/0404

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REED, J

ART UNIT

PAPER NUMBER

2835

DATE MAILED:

04/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/184,878

Applicant(s)

Ohnishi et al.

Examiner

J hn Reed

Group Art Unit

2835

☒ Responsive to communication(s) filed on Mar 3, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-29 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 10-13, 22, and 23 is/are allowed.

☒ Claim(s) 1-9, 14-21, and 24-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on March 3, 2000. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5-9, 15, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Hager et al.* The disk drive vibration and shock isolation system of *Hager et al.* includes a disk unit 12, a plurality of small vibration/shock absorbing members 64, 68 between said disk unit and the bottom and side surfaces of a disk unit accommodating part 14, all of which is depicted in Fig. 4 and is inside a housing described at column 2, line 61. In addition, said members are composed of various types of materials with differing vibration/shock absorbing characteristics,

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as described at column 4, lines 3-4 (noting SORBOTHANE brand elastomer of hardness 30), and at column 5, lines 40-42 (noting SORBOTHANE brand elastomers of hardness 50, and 40), each with slightly variant chemical compositions.

Regarding claim 15, the invention of *Hager et al.* teaches, at column 5, line 39, that the vibration/shock absorbing members are adhered to a member confronting the disk unit. The disjunctive nature of the instant claim's dependency permits the use of claim 5 as the relevant independent claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 14 and 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Varghese et al.* in view of *Genix et al.* Regarding claims 1-4, 17, 18 and 24-29, the hard disk drive support apparatus 60 of *Varghese et al.* includes a plurality of vibration/shock absorbing members 70 between a disk unit 10 and a lid member 38 which covers a disk unit accommodating part 78 provided in a housing 12, all as shown in Figs. 1 and 4. In addition, there

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is a sheet member **62** provided between said disk unit and said vibration/shock absorbing members. It is also noted that since *Varghese et al.* includes two disk units, it literally satisfies the claim requirements that the sheet slides relative to the disk, since the *top* sheet of *Varghese et al.* slides relative to the *lower* disk.

Regarding claim 14, the invention of *Varghese et al.* also depicts that the vibration/shock absorbing members are between the disk and an inner top surface of the disk unit accommodating part (Figs. 3 and 4).

Regarding claim 16, the invention of *Varghese et al.* is a portable electronic apparatus.

Regarding claim 19, an alternate interpretation of the components comprising the invention of *Varghese et al.* is afforded via the Office's mandate that the Examiner give the claims the broadest reasonable interpretation consistent with the specification. Consistent with this mandate, the device of *Varghese et al.* alternately shows a disk drive accommodating part **78**, a lid member **38** and a vibration/shock absorbing member **60** formed by a plurality of small pieces **70**, and a sheet member **62**.

What *Varghese et al.* does not teach is that the sheet member between the disk unit and the vibration/shock absorbing member be insulative. The computer system with shock absorbing members of *Genix et al.* includes an inherently insulative sheet **22** between the disk unit **18** and the vibration/shock absorbing member **20**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the device of *Genix et al.* with the device of *Varghese et al.* to effect the claimed invention, especially in light of the

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express teaching of both references to provide shock and vibration isolation for computer disk drives, as well as the notoriously conventional nature of the kind of insulative sheets typified in the invention of *Genix et al.* Moreover, the design in *Genix et al.* expressly contemplates the work of *Varghese et al.*, as the former cites the latter.

Response to Arguments

6. The Applicant's arguments have been fully considered but they are not persuasive. Specifically, regarding the arguments to claims 5-9, 20 and 21, the Applicants maintain (on page 17 of the Amendment dated March 3, 2000) that all of the vibration/shock members of the device taught in *Hager et al.* are of the same hardness, and that this “teaches away” from the claimed invention. This position is defective for two reasons. First, “teaching away” is immaterial to a rejection under section 102 of the statute. Second, as was mentioned in the original Office Action (page 4, lines 1-5), *Hager et al.* expressly teaches differing hardness in the shock/vibration members.

Allowable Subject Matter

7. Claims 10-13, 22 and 23 are allowed.

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Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

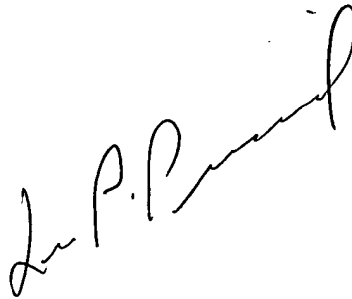
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Reed whose telephone number is (703) 305-9844 . The examiner can normally be reached Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431.

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John Reed
Assistant Examiner
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A handwritten signature in cursive script, appearing to read "Leo P. Picard".

Leo P. Picard
Supervisory Patent Examiner
Technology Center 2800